United Nations CRC/C/OPSC/VUT/Q/1/Add.1

Convention on the Rights of the Child

Distr.: General
17 August 2017

English only

Committee on the Rights of the Child
Seventy-sixth session
11-29 September 2017
Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the report submitted by Vanuatu under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Addendum

Replies of Vanuatu to the list of issues*

[Date received: 9 August 2017]

* The present document is being issued without formal editing.

GE.17-14174(E)

Please recycle

1. Please provide statistics (disaggregated by sex, age, nationality, ethnic and social background, rural or urban location) on the number of:

(a) Cases of sale of children, child prostitution, child pornography, and information on the actions taken in those cases, particularly with regard to the prosecution of perpetrators; and

1. The record available does not stipulate date on cases of sale of children, however other related sexual related offence under Penal Code are recorded through the Family Protection Unit yearly report.

2. Family Protection Unit (FPU) was initially formed as the Sexual & Child Abuse Unit. It is a unit established in the Vanuatu Police Force (VPF) in 1995 under the Criminal Investigation Department (CID), and formalized in January 1998 after the VPF strategic review of 1997, which considered it important to address immorality offences, which at that time was in a rapid increase.

3. The focus of the Unit at the time was to deal with various immorality offences and child's physical abuse case; and to provide awareness programs in collaboration with other stakeholders in the country and the Pacific region.

4. The Vanuatu Police Force Reports provide the statistics that outline the common sexual offences received in FPU in 2016, different tables and graphs showing the total of offences received from 1st January to 31st December 2016, offences received each month, offences detected, undetected, convicted, solved by chiefs and percentage detected.

5. The common sexual assault cases are stated as follows; Rae; Unlawful Sexual Intercourse; Aggravated Sexual Assault with a Child; Incest; Indecent act in Public Place; Indecent assault; Sexual Intercourse With Girl Under Care and Protection; Abduction; Prostitution; Homosexual; and others threatening gestures namely; Intentional Assault, Abusive Words, Unlawful Entry, Criminal Trespass, Damage to Property. Amount to 121 recorded in 2016.

6. Both sexual and physical abuse offending across the world are typically grossly under-reported, so we need to bear in mind that these figures minimized by this under-reporting and also by any shortcomings in the accuracy of the recording methods.

7. Report of Case under the head above is summarise in the table below

Table 1
Sexual offences reported in port vila from 1st January to 31st December 2016

Offences	*Jan*	*Feb*	*Mar*	*Apr*	*May*	*June*	*July*	*Aug*	*Sept*	*Oct*	*Nov*	*Dec*	*Total*
SIWC	3												
Rape/Attempt		1	1	3	3	3	4	0	0	5	0		23
I.A/I.M/IAPP	3	3	1	1	0	5	7	2	1	6	1		30
Incest	0	0	0	1	4	0	1	0	0	1	0		7
U.S.I.	4	1	0	0	2	1	4	0	0	1	1		14
S.I.W.G.U.C.P	0	0	0	0	1	1	0	0	0	1	0		3
H.A.P	0	1	0	0	0	0	0	0	0	0	0		1
Others	2	4	0	1	0	2	3	0	0	4	0		16
Total	**12**	**10**	**2**	**6**	**10**	**12**	**19**	**2**	**1**	**18**	**2**		**94**

U.S.I - Unlawful Sexual Intercourse
SIWC - Sexual Intercourse without Consent
I.A - Indecent Assault
I.M - Indecent Matter
IAPP - Indecent Act in Public Place
SIWGUCP - Sexual Intercourse with girls under care and protection.
HAP - Homosexual, Abduction and Prostitution

Table 5
Total number of sexual offences reported each year in port vila since 2005 to 2016

Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Offences committed	191	187	190	83	77	126	110	210	242	66	111	94

(b) **Children who have received assistance for their physical and psychological rehabilitation, reintegration, and compensation.**

8. There is no data provided under these categories.

2. Please indicate whether the State party plans to adopt a specific plan of action concerning the sale of children, child prostitution and child pornography

9. Government has not yet provided a baseline statistic on the sale of children, child prostitution and child pornography. The current indicator presented by the Family Protection Unit, the Vanuatu Police Force and consecutively the Department of Correctional Services on the subject has not indicative. However, with the assistance of development partners and Non-Government organisation a baseline statistics would be provided and render the Government to develop plan in addressing the subject.

3. Please provide up-to-date information on the measures taken to systematically raise awareness on the Optional Protocol among the general public, professionals who work with or for children and among children themselves

10. The National Child Protection Policy 2016 – 2026 has provide the strategic area that under these policy framework with a implementation plan in preventive strategy of abuse. The development of the policy by the MJCS has allow the Government to evaluate the available mechanism and the gaps that will be partly addressed by the Policy.

11. Given the long term impact of abuse and exploitation on children's developmental outcomes, the long term impact on communities' economic and social outcomes, and financial burden on families/State of responding to child abuse, significant focus needs to be put on prevention and early identification/intervention.

12. This Policy recognizes that many communities are already actively engaged, vigilant and responsive to at-risk families and that early intervention can help to mitigate protection risks for children either directly or indirectly. More needs to be known however about the dynamics, challenges and strengths of existing mechanisms so that appropriate support can be given to strengthening and expanding them.

13. Providing trainings and building the skills and capacity of community leaders, chiefs, church groups, village health worker, youth groups, men and woman groups including families at all levels of the society to apply child protection in practical ways is another form of early intervention, and can include a) strengthening children's self-protection and communication skills; b) strengthening mediation and basic counselling skills amongst women's and religious groups; c) strengthening parents' skills and confidence in applying positive discipline; and d) supporting schools to become child-safe and violence-free. Success in these areas however needs to be measured through evidence that practice has changed rather than through workshops that have been held.

14. With appropriate capacity-building, potential stakeholders who can be drivers of positive change include Chiefs, men's groups, the Church, Village Health workers, women's groups, youth and children's groups, VWCs and their affiliated village Committees Against Violence Against Women (CAVAWs), schools and Community Child Protection Committees.

15. Field based research to assess the child protection models piloted in Tafea, Penama and Sanma by MJCS and Save the Children, respectively, will significantly help to inform the development of a community-based indicative model for replication across the country.

16. The policy objective shall strengthen community based prevention and early intervention mechanism and develop and replicate nationally an indicative community base child protection model. The key activities that is layout under this objectives are as follows:

(i) Undertake baseline study to assess early intervention and identification;

(ii) Develop a community facilitation training package;

(iii) Develop guidelines and indicators on early intervention and identification to guide stakeholders;

(iv) Undertake comprehensive field based research to evaluate current community-based Child Protection models being piloted by MJCS, Save the Children and UNICEF in 3 Provinces;

(v) Drawing on lessons learned from international and national experience and research, develop a strategy to progressively and appropriately replicate a community-based child protection model.

17. The MJCS and the other leading stakeholders will be tasked to monitor the major key indicator that the Community based prevention and early intervention mechanism are coordinated and replicated.

4. Please provide updated information on the human, financial and technical resources specifically allocated and spent for the implementation of the Optional Protocol

Human Resources

18. The Child Desk under the Ministry of Justice and Community Services is recruiting a Child Protection Office to implement the Child Protection Policy which include deliverable of the Optional Protocol. In terms of the budgetary support, there has been no budget support allocated specifically for the implementation of the Optional Protocol. The MJCS budget allocated to the Child Desk will be proportionately used to implement parts and partial of the Optional Protocol under the implementation of the National Child Protection Policy.

5. Please provide updated information on the measures taken to address root causes of offences under the Optional Protocol, in particular traditional customs such as betrothal of young girls and exchange of children

19. There is no specific measures implemented by Government to address the traditional practises that are criminalise under the Optional Protocol. With the current collective Government initiatives, namely the Malvatumauri Council of Chief and discouraging the use of monetary value for bride price, the Court decision in the two consecutive cases in regards to offences under the protocol and specifically the illegitimatized of the traditional practise has taken its toll. The collective awareness though all mean over the last three years by Government and stakeholders on the rights of children and access to education has contribute the acceptable perception that defeat the traditional norm of betrothal of young girls and exchange of children.

20. The Vanuatu Law Commission has made recommendation for the alteration of female age of marriage and MJCS will be submitting papers for the amendment to Government. The implementation of the National Child Protection Policy by the wider stakeholders will be partially address the non-acceptance of the traditional practises.

Please also clarify whether mechanisms exist to detect and identify children at risk of becoming victims of the offences under the Optional Protocol.

21. Government through the leading Ministries does not have any exist mechanism to detect and identify children at risk of becoming victims of the offence under the Optional Protocol, however the Government initiatives in achieving the purpose of the Family Protection Act through the piloting of Registered Counsellor and Authorise Peron under the

Act should facilitate the referral mechanism that will allow Government to detect and identify children as risk.

6. Please provide updated information on whether the current legislation prohibits all offences under the Optional Protocol

22. The Penal Code Act [CAP 135] criminalise the offences under the Optional Protocol. Under section 101, the Penal Code (Amendment) Act No.17 of 2003, provide the definition of act of child prostitutions and clearly criminalise the proceeds of the child prostitution. Section 101(d) further provide the criminalisation of the person who engage in the proceed of using children for pornographic purposes. Further amendment to the Penal Code was passed by parliament under the Penal Code (Amendment) Act No 15 of 2016 which elevate the maximum penalty of all morality offences under the Act and provide the specific provision for Abduction of a person under 18 years of age and the subsequently increase the maximum sentence of abduction.

Please provide information on any plans to amend the Penal Code in this regard.

23. Section 101 of the Penal Code CAP 135 prohibits the procuring, aiding or facilitating the prostitution of another person, or sharing in the proceeds of or being subsidized by the prostitution of another person.

24. MJCS is looking in amending the provision by inserting new provision prohibiting coercion of adults or children into sex work or prohibiting trafficking or sex tourism.

7. Please provide information on what specific measures have been taken to combat sexual exploitation of children, child prostitution, child pornography, trafficking of children and traditional customs of sale of children in North Tanna. Please also provide an update on the cyber-crime policy

25. The piloting Family Protection Act and the amendment of the Penal Code through the increasing of the penalties provision is the current legislative initiatives in addressing the offences under the Optional Protocol. The Government through the Vanuatu Correctional Services and the Vanuatu Policy - Family Protection Unit and the MJCS has collectively itemise the necessity in amendment of laws, awareness and advocating as the collective efforts in combating morality offences.

26. In additional to the National Child Protection Policy, the MJCS will be working on the National Child Policy and the drafting of the Child Protection Bill as one of the main legislative objective.

27. The Vanuatu Law Reform Commission has review the existing law especially Penal Code and with specific recommendation, the Ministry of Justice and Community Services will be coordinating the review of these law and the implementation of the National Child Protection Policy.

Cyber-Crime

28. National Cyber Crime Policy 2013 of Government set an standalone objectives in Creating a child online protection working group (COPWG) to identify areas of child online protection (such as technical protection measures, curriculums for school and information material for parents and guardians) that need to be integrated in Vanuatu. The COPWG shall also evaluate different technical measures that services providers must introduce to protect children online and parameters that shall be included in a report submitted to guardians upon request. This shall include recommendations for measures how to prevent an abuse of the service. A report shall be submitted to the NCSC until December 2013.

29. Another objective of the Policy institute that each commercial provider of Internet access in Vanuatu shall be obliged to provide — upon request of the user — a restricted Internet access that includes available technical measures aiming to block content that is not appropriate for children. Furthermore, the provider shall be obliged to provide — upon

request of the user — a special reporting for parents or guardians that highlights the services used and other parameters defined by the Child Online Protection Working Group ("COPWG").

30. The Government has commenced the consultation stage of strengthening the legal framework as one of the main policy statement in order to protect openness and a safe environment Vanuatu. The aim to have a reliable legal framework that reflects the uniqueness of the country as well as international best practices. The Government stakeholder commence with the workshop and consultation in June 2017 with the objectives of review of the existing Government policy and legislation related to Cybersecurity and Cybercrime. With the Assistance of Attorney General Office from Australia, the particulars of the meeting looks into definitions, penal legislation, investigation instruments of law enforcement, admissibility of electronic evidence, liability of Internet Service Providers (ISPs), and specific provision to protect children online and international cooperation.

31. The review shall include the identification of existing provisions that could be utilized in relation to Cybersecurity, a comparison with international best practices, a gap analysis, suggestions for amendments and the related drafting instructions. This activity shall be carried out in close cooperation with the State Law Office and built upon existing work carried out in the region (e.g. the assessment of legislation within the ICB4PAC project). A report including the drafting instructions shall be submitted until October 2013.

32. Based upon the report and the drafting instructions the State Law Office will prepare the draft legislation until December 2013.

33. The Office of the Public Prosecutors and the Vanuatu Police Force are looking at developing a Cybercrime policy and associated cybercrime legislation based on the Budapest Convention.

34. During the 2 day training Office of Government Chief Information Office presented on the National Cybersecurity Policy and discussions were held for OGCIO to provide the opportunity through a thorough and full consultation which members of the police and other public legal organisations present at the training strongly requested to provide input to the draft bill. They requested to review the ITU template against the Budapest Convention to assess best fit for Vanuatu. OGCIO rep agreed to work closely with the participants of the training and to keep all updated on status of the draft bill.

8. Please clarify whether legislation establishes the State party's extraterritorial jurisdiction over all the offences in the Optional Protocol. Please provide also information on whether the Optional Protocol may be used as a legal basis for the extradition of a person suspected of the offences covered by the Optional Protocol in the absence of any bilateral extradition treaty

35. The Extradition Act of 1998 provides for prosecution of offenses committed by perpetrators either in the country of origin or in the country which the offense was committed under extradition arrangements. Since there has been no case that render the application of the Extradition Act under the committal of the offence under Penal Code and Optional Protocol, the persuasive effect of the Optional Protocol under the Ratification Act is not yet been applied.

9. Please provide updated information on the measures taken by the State party to ensure that the child victims of the offences covered by the Optional Protocol are not stigmatised and have access to efficient, adequate and long term programmes and support systems to facilitate their reintegration and their physical and mental rehabilitation.

36. The MJCS Justice and Community Sector strategies 2014-2017 provide the Government policy directive in ensuring that measure are put in place to ensure that victims of offences have access to a responsive and protective services.

37. Strategy 3 of the MJCS Sectors provide the road through the defining of the roles of the institution within the sector which can provide system of support to victim.

38. Vanuatu Women Centre (VWC): The VWC's mission is to eliminate violence against women and girls in Vanuatu. It provides counselling, legal services, information on violence against women and holds community awareness, workshops and trainings on domestic violence.

39. VWC has a network of 41 island-based Committees against Violence against Women (CAVAWs) that undertake local community awareness activities in remote rural communities and assist women and children living with violence. VWC also has an active national network of male advocates who work with VWC, its Branches and the CAVAWs to promote women's human rights and prevent and address violence against women and children in their communities. All these core features make up the VWC's program to prevent and respond to violence against women and children. VWC's program goal is to eliminate violence against women and children throughout Vanuatu. The expected long-term outcome is effective prevention and response to violence against women and children.

40. Vanuatu Police Force (VPF): In June 2015, the Vanuatu Police Executive approved a new Family Violence Policy, Standard Operating Procedures (SOP) for Family Violence Prevention and Response, and a comprehensive Family Violence Training package. This Policy and supporting SOP and Training were developed as part of the partnership between Vanuatu Police Force and the Pacific Prevention of Domestic Violence Programme (PPDVP).

41. Implementation of the new Policy, SOP and Training will lead to increased capacity and capability of all Police officers to provide a better service to victims and communities in responding to and preventing family violence. It will also provide better information for the decision making of the Police Executive to manage family violence related risks.

42. The VPF also have a Family Protection Unit (FPU) that assists victims of violence.

43. Completion of review of Victim Support services within the court proceeding conducted in October 2016, the recommendation accepted and partly implemented by the Government are:

(i) For the Public Prosecutor's Office to establish and recruit the post of Victim Support Officer in 2017.

(ii) The VSO will provide the necessary support to the victim throughout the court process. Another recommendation is the waiving of all medical report and hospital consultation fees for victims of crime, especially women and child victims of sexual and violence offences and waiving of birth certificate fees for girls under 15 who have been sexually assaulted.

(iii) Vanuatu Police to be trained in the FPU Standard Operating Procedure by the end of 2017. The SOP to be translated into Bislama and posted in all police stations.

(iv) Criminal Procedure Code to be amended to provide vulnerable victims the choice to give evidence in closed court, have a support person present and have the defendant shielded by a screen.

(v) Victim Impact Statements to be requested and provided in all Supreme Court sentencing cases, unless the victim is unavailable or unwilling to provide a statement.

44. The general victim support strategies currently is envisioned to provide the plate form for a support systems to facilitate their reintegration and their physical and mental rehabilitation.